

3. 2012SP-005-001 VOCE DEVELOPMENT

Map 159, Parcel(s) 055
Council District 34 (Carter Todd)
Staff Reviewer: Brenda Bernards

A request to rezone from RS40 to SP-R zoning property located at 5570 Granny White Pike, approximately 300 feet north of Oman Drive (61.23 acres), to permit 57 residential units and a residential sales center, requested by Civil Site Design Group, applicant, Granny White Cabin Realty LLC, owner.

Staff Recommendation: APPROVE WITH CONDITIONS and disapprove without all conditions and grant variances to the Subdivision Regulations for flag lots and sidewalks.

APPLICANT REQUEST

Permit up to 57 residential units.

Zone Change

A request to rezone from Single-Family Residential (RS40) to Specific Plan-Residential (SP-R) zoning property located at 5570 Granny White Pike, approximately 300 feet north of Oman Drive (61.23 acres), to permit up to 57 residential units and a residential sales center.

Existing Zoning

RS40 requires a minimum 40,000 square foot lot and is intended for single-family dwellings at a density of 0.93 dwelling units per acre. *Using the cluster lot option, the lot yield for this property is 56 dwelling units.*

Proposed Zoning

Specific Plan-Residential is a zoning District category that provides for additional flexibility of design, including the relationship of streets to buildings, to provide the ability to implement the specific details of the General Plan. *This Specific Plan includes up to 57 single-family residential units.*

CRITICAL PLANNING GOALS

- Preserves Sensitive Environmental Features
- Creates Open Space
- Creates Walkable Neighborhoods

The Vocé SP proposal meets a number of critical planning goals. The site has varied topography, a number of natural drainage ways and many mature trees. Approximately 37 percent of the site, 22.63 acres, will remain as open space. The applicant has worked with Public Works and the Fire Marshal to develop alternative street sections that minimize the grading required. The lots have been laid out based on topographic conditions and will allow many of the mature trees on site to be saved. The natural drainage ways are utilized as an alternative to piping. The plan proposes an integrated network of sidewalks, trails, paths and other pedestrian ways creating a walkable community.

GREEN HILLS/MIDTOWN COMMUNITY PLAN

Residential Low (RL) is intended to conserve large areas of established, low density (one to two dwelling units per acre) residential development. The predominant development type is single-family homes.

This property is within Special Policy Area No. 13.

In non-conventional developments, such as PUDs and cluster lot subdivisions, the following is recommended for the portions of such developments that abut or face existing conventional subdivisions:

- 1) these areas should be generous open space with sufficient vegetation to minimize the visual impact of the new development or*
- 2) the new development in these areas should be designed to reflect the character and appearance of the abutting conventional subdivision in terms of lot widths and front setbacks.*

The plan includes a landscape buffer around the entire property. The applicant has worked with the Urban Forester to determine the most appropriate plantings to supplement the existing vegetation in these areas.

Consistent with Policy?

Yes. The proposed plan is consistent with the RL policy with an overall density of 1.09 units per acre. In addition, the plan includes generous open spaces with sufficient vegetation to minimize the visual impact of this

development as required by Special Policy Area No. 13.

PLAN DETAILS

The Vocé SP includes a site plan, landscape buffer plan and report that includes a regulating plan and design standards.

Site Plan

The approximately 61 acre site is characterized by steep slopes to the rear, natural drainage ways and mature trees. The proposed plan includes 57 building lots for single-family residences ranging from 5,550 square feet to over 100,000 square that are laid out in a manner that works with the character of the property to preserve the slopes and many of the mature trees. Under the existing zoning of RS40, a cluster lot subdivision would yield 56 lots. However, as lots could only be reduced to 20,000 square feet, the layout would require more grading and the removal of more vegetation.

A number of lots are shown as critical lots due to the steep slopes. As required by the Subdivision Regulations, the plan shows preliminary grading and provides details of measures to be taken to protect natural features, minimize changes in grade, cleared areas and street alignments to minimize disturbance of slopes.

The plan shows two road connections, one to Granny White Pike to the west and the second connection to Carlybrook Lane to the northwest. The steep slopes prevent additional connections. There is one driveway serving two lots that connects to Granny White Pike. All other driveways connect to the internal street system. In order to minimize grading, the applicant sought, and the Board of Fire and Building Codes granted, a variance to permit road and driveway grades to exceed 10 percent in certain locations. The applicant has worked with Public Works to develop alternative roadway designs that meet three objectives to reduce run-off, increase permeable areas, minimize grading and increase the number of mature trees that can be saved.

Sidewalks are shown on one side of the new streets and a footpath through the open space areas is planned. The proposal will require a variance from the sidewalk requirements of the Subdivision Regulations. Variances to this section and other sections of the Regulations are discussed below. The applicant has indicated that rather than building the required sidewalk on Granny White Pike, an in-lieu contribution to the sidewalk fund will be made. The Subdivision Regulations provide for this option.

A neighborhood commons area is proposed to accommodate play areas and will serve as a gathering area. An existing log cabin on the property will be moved to the common area.

Details of building materials have been provided. A Design Review Committee (DRC) will be established and will include an Architect, Landscape Architect and Arborist. The DRC will review and approve house site plans, elevations and landscape plans as well as any design standards of the homeowners' association. The DRC will not be a public entity associated with the Metro government or with the Planning Commission.

Regulating Plan

The Vocé SP includes a regulating plan that details the bulk standards for the two housing types. This is the portion of the SP that will be reviewed and approved by staff. This includes the lot area, building coverage, setbacks, height and parking requirements. The regulating plan also includes entrance signage, lighting requirements and landscaping requirements.

Subdivision Regulations

As the preliminary SP plan plays a similar role to a concept plan for a subdivision, the applicant gave consideration to the Subdivision Regulations in designing the site plan for the Vocé SP. With the request for preliminary approval, the applicant has also requested variances to Section 3-4.2.d to permit flag lots and Section 3-8.1 to allow sidewalks on one side of the new streets only.

Section 1-11.1 of the Subdivision Regulations states that the Planning Commission may grant variances to the regulations when it finds that extraordinary hardships or practical difficulties may result from strict compliance with the regulations, provided that the variance does not nullify the intent and purpose of the regulations. It further states that findings shall be based upon the evidence presented in each specific case that:

- a. The granting of the variance shall not be detrimental to the public safety, health, or welfare or injurious to other property or improvements in the neighborhood in which the property is located.
- b. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property.
- c. Because of the particular physical surroundings, shape, or topographical conditions of the specific property

involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations were carried out.

- d. The variance shall not in any manner vary from the provisions of the adopted General Plan, including its constituent elements, the Major Street Plan, or the Zoning Code for Metropolitan Nashville and Davidson County (Zoning Code).

The intent of the regulations for which the variances are sought are to ensure all lots have street frontage and to provide sidewalks on new streets. The granting of the variance will not nullify the intent of the regulation. In addition, staff finds the following as evidence for this variance consistent with Section 1-11.1, a – d above:

- a. The granting of the variance would not be detrimental to the surrounding area, as the proposed lot layouts causing flag lots and the reduced pavement widths of the streets are a result of the applicants efforts to design a development that is sensitive to the environmental resources of the property.
- b. There are no other subdivisions proposed in the immediate area as it is primarily developed, and therefore, the conditions for which this variance is sought are unique to this development within this general area.
- c. The applicant could develop the property as a more conventional subdivision but in order to protect the environmental resources and character of the property and reduce grading, a more innovative and sensitive design is proposed.
- d. The subdivision is consistent with the area's long range policy or RL and the Special Policy Area No. 13. With the adoption of the SP Plan, the subdivision will meet the zoning requirements.

URBAN FORESTER RECOMMENDATION

I have reviewed the plan and visited the site with the applicant. The conscientious approach to protecting the existing trees and the proposed layout of the development is impressive. Virtually any development of this size includes the removal of trees, as this one surely does. However, the applicant has exhibited a profound understanding of environmental stewardship with the development plan.

There are several "landmark" sized Oak trees that will be incorporated into the design and will be protected using the techniques and materials set forth by the Tree Ordinance. In addition, the roads, lots, and building pads have been placed in such a way as to adhere to the lay of the land and to minimize any runoff.

I recommend approval of this project.

STORMWATER RECOMMENDATION

Preliminary SP approved with conditions:

- Water Quality will require 80% TSS removal.

PUBLIC WORKS RECOMMENDATION

Public Works is in general agreement with the concept and layout of this development; however certain features may require modifications prior to final development plans and construction permitting.

Conditions:

1. In conjunction with final construction plans, sight triangles should be provided to identify that adequate sight distance is available at the specific location of the project access.
2. Construct access drive on Granny White Pike with a minimum of 1 entering lane and 2 exiting lanes, striped as separate left and right turn lanes with 100 ft of storage and transition per MUTCD and AASHTO standards.
3. Construct a Southbound left turn lane on Granny White at project access with 75ft of storage and transition per MUTCD and AASHTO standards.
4. Portions of this property contain steep slopes and soils that may be prone to slippage and erosion when cuts are made. With construction plan submittal include a geotechnical report stamped by a licensed engineer that evaluates the soils based upon field testing along the planned roadways and outline the necessary mitigations to prevent slippage and erosion.
5. Retaining walls are generally not recommended adjacent to the right-of-way in residential areas. When used for roadway purposes, walls must be designed by a licensed engineer, and conform to the TDOT Earth Retaining Structures Manual latest edition. For the environmental design in this development, walls four feet or less may be adjacent to the back of the right-of-way line. Walls greater than four feet and less than ten

feet must be moved back from the right-of-way a distance equal to the height over four feet. Walls greater than ten feet must be moved back from the right-of-way a distance equal to the height of the wall.

6. This plan suggests existing trees to be retained as close a five feet from the roadway. Public Works supports retaining as many trees as possible, however there are concerns that excavation and/or compaction within the drip line of a tree will result in permanent root damage significantly reducing the life of the tree, and potentially having adverse implications for the stability of the roadway. This proposal will require further evaluation by the developer's arborist, engineer, and Metro. In any case the developer will be responsible for removing trees that do not survive within the right of way for a period of three years beyond the street acceptance date.
7. Public Works is agreeable to the proposed reduction in cross-section width for this particular project so long as adequate on-site parking is provided and a connection is made to the adjacent development. Should the proposed connection not be provided, the Public Works standard cross section ST-252 will apply to all streets.
8. Street grades shall be a minimum of 1% and a maximum of 12% unless the engineer documents an environmental hardship. In no case shall any grade exceed 15% and must comply with the regulations of the Metro Fire Department. Landings are required on all intersections. Approval of this concept plan does not constitute approval of the proposed road grades shown on the concept plan.
9. All streets shall be crowned per Public Works standard drawings.
10. Construction traffic shall access the site directly from Granny White Pike and not through Carlybrook Lane.
11. A solid waste plan must be filed with the final SP.
12. The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.

Maximum Uses in Existing Zoning District: RS40

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Residential (210)	61.23	1.16 D	56 L *	620	50	65

*Density calculated using cluster lot provision

Maximum Uses in Proposed Zoning District: SP-MR

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Residential(210)	61.23	-	57 L	620	50	65

Traffic changes between maximum: RS40 and proposed SP-MR

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-1 L	0	0	0

SCHOOL BOARD REPORT

Projected student generation 4 Elementary 2 Middle 2 High

The proposed 57 residential units will generate the same number of students as the 56 residential units permitted under the RS40 zoning district.

Schools Over/Under Capacity

Students would attend Percy Priest Elementary School, J.T. Moore Middle School, and Hillsboro High School. Percy Priest Elementary School and J.T. Moore Middle School are identified as over capacity. There is no

capacity within the cluster for additional elementary and middle school students. This information is based upon data from the school board last updated September 2011.

Fiscal Liability

The fiscal liability of four new elementary students is \$80,000 (4 X \$20,000) and two new middle school students is \$47,000 (2 X \$23,500 per student). This is only for information purposes to show the potential impact of this proposal, it is not a staff condition of approval.

STAFF RECOMMENDATION

Staff recommends approval with conditions of the Vocé SP as it is consistent with the RL land use policy and meets the requirements of Special Policy Area No. 13. In addition, staff recommends that variances to the flag lot and sidewalk requirements of the Subdivision Regulations as described in the staff report.

CONDITIONS

1. The requirements of Public Works and Stormwater Division shall be met.
2. The uses of this SP shall be limited to single-family residential and associated uses as shown on the plan.
3. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the RS10 zoning district for the courtyard villa single family lots and the RS20 zoning district for the remaining single-family lots as of the date of the applicable request or application.
4. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the Planning Commission and Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. The corrected copy provided to the Planning Department shall include printed copy of the preliminary SP plan and a single PDF that contains the plan and all related SP documents. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.
5. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
6. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

Ms. Bernards presented the staff recommendation of Approval with Conditions.

Shannon Pollard, applicant, spoke in support of staff recommendation.

Dudley Smith, 1221 Clifter Drive, spoke in support of staff recommendation.

Jeff King, 401 Commerce Street, spoke in support of staff recommendation.

Edsel Charles, 609 Banbury Place, spoke in support of staff recommendation.

Charlie McClendon, PO Box 158923, spoke in support of staff recommendation.

Adam Epstein, 3704 Hobbs Road, spoke in support of staff recommendation.

Jack Smithwig, 1133 Stonewall Jackson Court, spoke in support of staff recommendation.

Jim Caden, 4 Wynstone, spoke in support of staff recommendation.

Jonathan Cummings, 123 Riverbend Drive, spoke in support of staff recommendation.

Steve (unsure of his last name), spoke in support of staff recommendation.

Lisa Maki, PO Box 150917, spoke in support of staff recommendation.

Bill Frasch, President of High Valley HOA, spoke against staff recommendation.

Jim Murphy, Hound's Run HOA, spoke against staff recommendation.

Eric Snyder, Oman Drive HOA, spoke against staff recommendation.

Matthew Foster, City of Forest Hills, spoke against staff recommendation.

Mary Kantanie, 1427 Richland Woods Lane, spoke against staff recommendation.

Tom DePauw, 1144 Radnor Glen Drive, spoke against staff recommendation.

Roger Price, 5001 High Valley Drive, spoke against staff recommendation.

Dominick Mancuso, 1100 Radnor Glen Drive, spoke against staff recommendation.

Charles Kimbel, 1249 E. Hickory Springs, spoke against staff recommendation.

Whitney Sitzler, 1404 Richland Woods Lane, spoke against staff recommendation.

Barry Holt spoke against staff recommendation.

Kevin Gangaware, on rebuttal, stated that the neighbors don't believe that 56 lots can be developed, but it can be done. He also noted that Richland Woods is a cluster lot development. Geotechnical studies have been done on this property and it can be developed safely.

Dr. Cummings moved and Mr. Gee seconded the motion to close the Public Hearing. (9-0)

Mr. Haynes expressed concern with the two lots that dump directly on to Granny White Pike and stated that it seems to be a significant traffic hazard.

Rob Pease, applicant, clarified that the lots spill on to Granny White Pike in an effort to preserve the drains and trees.

Mr. Adkins stated that development under the current RS40 zoning is a terrible idea; it's bad for the community and bad for Nashville. He also expressed agreement with Mr. Haynes concerns regarding the two lots dumping on to Granny White.

Ms. LeQuire asked staff to clarify the levels of SP approval.

Ms. Bernards clarified that if the proposal is approved by the Planning Commission, the next step is Council approval, then final site plan approval, and then the final plat.

Ms. LeQuire noted that stormwater runoff and a geotechnical study will be important to consider at a later step in the process. She also inquired if more pervious surfaces could be added.

Councilmember Claiborne stated that this development is consistent with all the land use policies and meets all the requirements; this is only the first stage of an extended process. He expressed support of staff recommendation.

Mr. Ponder expressed that this is an environmentally fresh development and spoke in support of staff recommendation.

Dr. Cummings requested that Stormwater share their position on this proposal.

Steve Mishu, Metro Stormwater, stated that everything will be done to ensure that this development does not negatively impact downstream neighbors. He also noted that pervious pavement is fine everywhere except right-of-ways.

Dr. Cummings inquired if it is normal practice to require an Environmental Impact Study? She also inquired if the turn lane is a condition.

Devin Doyle, Public Works, stated that a Traffic Impact Study was submitted and evaluated. The initial recommendation was that no turn lane would be required, but Public Works asked for further analysis. The left turn lane was conditioned with the understanding that potential modification is possible depending on further evaluation and discussion.

Dr. Cummings inquired if Public Works had any concerns with the two lots dumping on to Granny White.

Mr. Doyle stated that no, the two lots would generate less than 20 trips per day.

Mr. Bernhardt clarified that approximately 95% of the evaluation of this project was based on environmental factors.

Dr. Cummings expressed her support of staff recommendation.

Mr. Clifton noted that water is always an issue, but large developments like this tend to improve run off. He spoke in support of staff recommendation.

Mr. Gee moved and Dr. Cummings seconded the motion to approve with conditions, including the revised Public Works Condition Number 3, disapprove without all conditions, grant variances to the Subdivision Regulations for flag lots and sidewalks, and request that the developer look at alternatives to driveways directly accessing Granny White Pike. (9-0)

Resolution No. RS2012-64

"BE IT RESOLVED by The Metropolitan Planning Commission that 2012SP-005-001 is APPROVED WITH CONDITIONS, including the revised Public Works condition No. 3 in the staff report to add *"However, if a revised traffic analysis is submitted to and approved by the Department of Public Works related to this condition, it may be modified or removed"*, and disapprove without all conditions and grant variances to the Subdivision Regulations for flat lots and sidewalks, and request that the developer look at alternatives to driveways directly accessing Granny White Pike. The Final Site Plan will go to the Planning Commission without a public hearing. (9-0)

Conditions of Approval:

1. The requirements of Public Works and Stormwater Division shall be met.
2. The uses of this SP shall be limited to single-family residential and associated uses as shown on the plan.
3. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the RS10 zoning district for the courtyard villa single family lots and the RS20 zoning district for the remaining single-family lots as of the date of the applicable request or application.
4. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the Planning Commission and Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. The corrected copy provided to the Planning Department shall include printed copy of the preliminary SP plan and a single PDF that contains the plan and all related SP documents. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective

date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.

5. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
6. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

The proposed SP is consistent with the RL land use policy and meets the requirements of Special Policy 13."